

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE GUARDIAN NEWS,

Plaintiff,

-against-

VILLAGE OF PELHAM, New York, and RICHARD
SLINGERLAND, individually,

Defendants.
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ANSWER

Docket No.
07 Civ. 3813 (CLB)

Defendants, by their attorneys, MIRANDA SOKOLOFF SAMBURSKY SLONE
VERVENIOTIS, LLP, as and for their answer to the complaint in the above-captioned matter, sets
forth as follows:

1. Deny the allegations contained in ¶ “1” of the complaint, and refer all questions of
law to the Court for adjudication.
2. Deny the allegations contained in ¶ “2” of the complaint, and refer all questions of
law to the Court for adjudication.
3. Deny knowledge or information sufficient to form a belief as to the allegations
contained in ¶ “3” of the complaint.
4. Deny the allegations contained in ¶ “4” of the complaint, except admit that defendant
Richard Slingerland was and is the Village Administrator, and refer all questions of law to the Court
for adjudication.

FIRST CLAIM

5. As and for a response to the allegations contained in ¶ “5” of the complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “4” of the complaint, as though fully set forth herein.

6. Deny the allegations contained in ¶ “6” of the complaint, and refer all questions of law to the Court for adjudication.

SECOND CLAIM

7. As and for a response to the allegations contained in ¶ “7” of the complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “6” of the complaint, as though they were fully set forth herein.

8. Deny the allegations contained in ¶ “8” of the complaint, and refer all questions of law to the Court for adjudication.

THIRD CLAIM

9. As and for a response to the allegations contained in ¶ “9” of the complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “8” of the complaint, as though they were fully set forth herein.

10. Deny the allegations contained in ¶ “10” of the complaint, and refer all questions of law to the Court for adjudication.

FOURTH CLAIM

11. As and for a response to the allegations contained in ¶ “11” of the complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “10” of the complaint, as though they were fully set forth herein.

12. Deny the allegations contained in ¶ “12” of the complaint, and refer all questions of law to the Court for adjudication.

FIFTH CLAIM

13. As and for a response to the allegations contained in ¶ “13” of the complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “12” of the complaint, as though they were fully set forth herein.

14. Deny the allegations contained in ¶ “14” of the complaint, and refer all questions of law to the Court for adjudication.

SIXTH CLAIM

15. As and for a response to the allegations contained in ¶ “15” of the complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “14” of the complaint, as though they were fully set forth herein.

16. Deny the allegations contained in ¶ “16” of the complaint, and refer all questions of law to the Court for adjudication.

FIRST AFFIRMATIVE DEFENSE

17. Plaintiff’s complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

18. Plaintiff’s complaint is barred by the statute of limitations.

THIRD AFFIRMATIVE DEFENSE

19. The individual defendant is protected by qualified immunity.

FOURTH AFFIRMATIVE DEFENSE

20. Plaintiff lacks standing.

FIFTH AFFIRMATIVE DEFENSE

21. This case, in whole or in part, is not ripe.

SIXTH AFFIRMATIVE DEFENSE

22. This case, in whole or in part, does not present a case or controversy.

SEVENTH AFFIRMATIVE DEFENSE

23. The challenged legislation represents a reasonable time, place, and manner regulation.

EIGHTH AFFIRMATIVE DEFENSE

24. Plaintiff cannot identify any similarly situated persons or entities who are treated more favorably under the challenged legislation.

NINTH AFFIRMATIVE DEFENSE

25. Plaintiff's constitutional rights were not deprived pursuant to a policy, practice, custom, or procedure of the Village of Pelham.

TENTH AFFIRMATIVE DEFENSE

26. Plaintiff may not recover punitive damages against a municipality.

Dated: Mineola, New York
June 21, 2007

MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP
Attorneys for Defendants

By: 

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